

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARK A. MARKUSSEN,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

No. 4:14-cv-05013-EFS

**ORDER RE-OPENING CASE AND
GRANTING PLAINTIFF AN EXTENSION
OF TIME TO AMEND OR VOLUNTARILY
DISMISS**

BEFORE THE COURT is Mr. Markussen's letter dated August 10, 2014. By Order filed July 1, 2014, the Court dismissed this action for failure to state a claim upon which relief may be granted, ECF No. 8. Plaintiff had failed to amend his complaint as directed or to voluntarily dismiss. Judgment was entered the same day, ECF No. 9.

In his letter, Mr. Markussen contends that he had amended his complaint more than 45 days ago, and that such amended complaint included "22 pages of [his] claim and relief." The Court has no record of having received a First Amended Complaint from Mr. Markussen in this action.

Because Plaintiff is proceeding *pro se*, the Court will liberally construe his submission as a Motion for Reconsideration, although it would be considered untimely under Rule 59(e), Federal Rules of Civil Procedure. Nevertheless, in an abundance of caution, the Court finds

ORDER RE-OPENING CASE AND GRANTING PLAINTIFF AN EXTENSION OF TIME TO
AMEND OR VOLUNTARILY DISMISS -- 1

1 that it is appropriate to alter the prior ruling and to allow Mr.
2 Markussen to re-submit his First Amended Complaint. Therefore, **IT IS**
3 **ORDERED:**

4 (1) The District Court Executive shall **RE-OPEN** this case,
5 **STRIKE** the Order Dismissing Complaint, ECF No. 8, **STRIKE** the Judgment,
6 ECF No. 9, and **REMOVE** the 1915(g) designation from this action;

7 (2) Plaintiff shall file his First Amended Complaint within
8 **thirty (30) days** of the date of this Order;

9 (3) The District Court Executive shall provide Plaintiff
10 with a copy of the Order to Amend or Voluntarily Dismiss, along with
11 the form Motion to Voluntarily Dismiss, ECF No. 7. The District Court
12 Executive shall also provide a Civil Rights Complaint form.

13 (4) Plaintiff is advised if he wishes to make any further
14 requests of the Court, he must do so in the form of a motion which is
15 properly noted for haring as required by LR 7.1(h), Local Rules for
16 the Eastern District of Washington.

17 (5) Failure to amend or voluntarily dismiss within this
18 thirty day timeframe will result in the dismissal of this action as
19 previously set forth in the Order to Amend or Voluntarily Dismiss.

20 **IT IS SO ORDERED.** The District Court Executive is directed to
21 enter this Order, provide a copy to Plaintiff and SET A CASE
22 MANAGEMENT DEADLINE ACCORDINGLY.

23 **DATED** this 15th day of August 2014.

24 s/Edward F. Shea
25 EDWARD F. SHEA
26 Senior United States District Judge